

JURISPRUDENCE — S.B. 354**HEALTH AND HUMAN SERVICES — S.B. 270, S.B. 292 (Amended), S.B. 351 (Amended)****ECONOMIC DEVELOPMENT — C.S.S.B. 396****TWENTY-FIFTH DAY****(Wednesday, March 3, 1993)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Steve Whitfield, Chaplain, Episcopal Student Center, The University of Texas at Austin, offered the invocation as follows:

O Lord God almighty, guide, we pray, these Members of the Senate now assembled, and all those to whom Thou hast committed the government of this state; and grant to them at this time special gifts of wisdom and understanding, of council and strength; that upholding what is right, and following what is true, they may obey Thy holy will and fulfill Thy divine purpose. Be with us now, that we may know Thy presence, appropriate Thy strength, and enjoy Thy peace. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 300

On motion of Senator Rosson and by unanimous consent, Senator Madla will be shown as Co-author of S.B. 300.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 38 to Committee on Jurisprudence.

H.B. 424 to Committee on Jurisprudence.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 38 by Truan Administration
Establishing a Task Force on Local Pipeline Safety and Emergency Management.

S.B. 550 by Harris of Dallas State Affairs
Relating to the establishment and operation of the Texas Gaming Commission, the regulation of bingo, and the operation of the state lottery; providing penalties; imposing taxes.

S.B. 551 by Sibley State Affairs
Relating to excluding certain sums related to asset-backed securities from the definition of interest.

S.B. 552 by Haley State Affairs
Relating to contingent fees in ad valorem tax matters.

S.B. 553 by Armbrister Jurisprudence
Relating to binding arbitration in certain ad valorem tax appraisal appeals.

S.B. 554 by Parker Economic Development
Relating to the apportionment of taxable capital and taxable earned surplus of a banking corporation or savings and loan association.

S.B. 555 by Patterson Economic Development
Relating to provision of certain mental health and substance abuse services through single service health maintenance organizations.

S.B. 556 by Armbrister Natural Resources
Relating to regulating the taking of crab, molluscan shellfish, and other aquatic life; providing civil and criminal penalties.

S.B. 557 by Armbrister Jurisprudence
Relating to personal property exempt from seizure.

S.B. 558 by Armbrister Health and Human Services
Relating to food labeling requirements under the Texas Food, Drug, and Cosmetic Act.

S.B. 559 by Armbrister Health and Human Services
Relating to fees for issuance of certain certificates issued by the Texas Department of Health; making an appropriation.

S.B. 560 by Armbrister Health and Human Services
Relating to correction of a reference in law to the name of the former United States Bureau of Animal Industry.

S.B. 561 by Armbrister Health and Human Services
Relating to licensing exemptions for wholesale distribution of prescription drugs.

S.B. 562 by Armbrister Health and Human Services
Relating to civil, criminal, and administrative penalties under the Texas Food, Drug, Device, and Cosmetic Salvage Act.

S.B. 563 by Armbrister Health and Human Services
Relating to commissioning certain employees of the Texas Department of Health as peace officers.

S.B. 564 by Armbrister Health and Human Services
Relating to the licensing of wholesale device distributors under the Texas Food, Drug, and Cosmetic Act; providing civil and administrative penalties.

S.B. 565 by Armbrister Health and Human Services
Relating to the licensure of food manufacturers and wholesale food distributors.

S.B. 566 by Carriker Intergovernmental Relations
Relating to the return of a warrant or check issued by a county.

S.B. 567 by Brown, Wentworth Intergovernmental Relations
Relating to enforcement by a disabled person of a law relating to parking by or for disabled persons.

S.B. 568 by Brown Criminal Justice
Relating to the forfeiture of a bond in satisfaction of a fine and costs in a misdemeanor case punishable by fine only.

S.B. 569 by Brown Natural Resources
Relating to the definition of nongame animals.

S.B. 570 by Ratliff Natural Resources
Relating to the responsibility of a political subdivision, its officers, or its employees for solid waste on certain property acquired through certain functions as sovereign.

S.B. 571 by Harris of Dallas State Affairs
Relating to the residency and citizenship qualifications for holding a racetrack license under the Texas Racing Act.

S.B. 572 by Harris of Dallas, Harris of Tarrant Jurisprudence
Relating to the creation of municipal courts of record in Hurst.

S.B. 573 by Montford Finance
Relating to state aid for counties that provide secure residential care facilities for certain delinquent children.

S.B. 574 by Truan Natural Resources
Subcommittee on Water
Amending the Coastal Coordination Act so as to include the chair of the Texas Water Development Board, or its designee, on the Coastal Coordination Council.

S.B. 575 by Armbrister Natural Resources
Relating to the regulation of liquefied petroleum gas.

S.B. 576 by Armbrister Natural Resources
Relating to the regulation of compressed natural gas and liquefied natural gas industry.

S.B. 577 by Carriker State Affairs
Relating to collection of certain amounts in relation to proof of financial responsibility by an operator of a motor vehicle.

S.B. 578 by Carriker Finance
Relating to the authority of a municipality to adopt an additional sales and use tax.

S.B. 579 by Lucio Education
Relating to a student union building fee at The University of Texas—Pan American.

S.B. 580 by Lucio Jurisprudence
Relating to the application of certain statutes of limitation to certain districts and entities.

S.B. 581 by Lucio Jurisprudence
Relating to the private practice of law by a judge of a statutory county court of Hidalgo County.

S.B. 582 by Haley Education
Relating to staff development and performance appraisal for public school teachers.

S.B. 583 by Harris of Tarrant, International Relations,
Barrientos, Rosson Trade, and Technology
Relating to the inclusion of mountain lion in the definition of game animals.

S.B. 584 by Carriker State Affairs
Relating to benefits for state employees.

S.B. 585 by Truan, Ellis, Lucio, Luna, State Affairs
Madla, Rosson, West, Whitmire, Zaffirini, Barrientos
Relating to a standardized system for reporting equal employment opportunity information from state agencies and universities.

S.B. 586 by Shelley Natural Resources
Relating to the authority of the Harris County Flood Control District to provide for or participate in the development, operation, and maintenance of certain recreational and environmental improvements in connection with flood control facilities and projects.

S.B. 587 by Shelley Natural Resources
Relating to the authority of the Harris County Flood Control District to engage in wetlands mitigation programs.

S.B. 588 by Carriker Intergovernmental Relations
Relating to the designation of responsibility for the transporting of juvenile offenders.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 2, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD for a term to expire January 31, 1999;

REVEREND HARVEY CLEMONS, JR.

1510 Pannell Street

Houston, Texas 77020

Reverend Clemons is being reappointed.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

S.B. 88

SENATE RESOLUTION 367

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the residents of the City of Waco in declaring Wednesday, March 3, 1993, as Waco Day; and

WHEREAS, Located in the agricultural region of the Brazos River Valley, Waco was once the center of cotton and cattle country and is today a city rich with the flavor of its history; and

WHEREAS, The nearby Texas Ranger Hall of Fame and Museum at Fort Fisher chronicles the lives of the famed lawmen who tamed the frontier and displays a unique collection of guns and weapons from the Old West; and

WHEREAS, The Old Suspension Bridge built in 1870 is still used as a pedestrian crossing, and historic homes lend charm from the past to a thriving city; and

WHEREAS, The cold springs area of the Brazos River was a popular location for the Indians; Indian lore, anthropological collections, and relics of early Texas can be viewed at the Strecker Museum and the Texas History Collection; and

WHEREAS, Well known for its educational, cultural, and recreational facilities, Waco is home to Baylor University and the famous Armstrong-Browning Library, the Cen-Tex Zoo, and the Heart O' Texas Fair and Rodeo; and

WHEREAS, Although it is a growing metropolis of modern industry, the City of Waco has retained much of its rural charm and natural beauty; and

WHEREAS, In the heart of the city is a network of 16 spacious municipal parks and one of the state's largest natural municipal parks, 380-acre Cameron Park; and

WHEREAS, The residents of Waco have worked diligently to safeguard the amenities of their city, and they deserve to be proud of their efforts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby commend the people of the City of Waco for the care they have taken with their city and extend best wishes to them for a joyous and celebratory Waco Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Waco as an expression of regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

CAPITOL PHYSICIAN

Senator Patterson was recognized and presented Dr. Warren Longmire of Hitchcock as the "Doctor for the Day."

The Senate welcomed Dr. Longmire and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Parker was recognized and introduced a group of county treasurers: Linda Robinson of Jefferson County; President of the Texas Treasurers Association Billye McDaniel of Tom Green County; and Katie Caldwell of Harris County.

The Senate welcomed these guests.

(Senator Shelley in Chair)

SENATE BILL 513 REREFERRED

On motion of Senator Ellis and by unanimous consent, S.B. 513 was withdrawn from the Committee on Natural Resources and was rereferred to the Committee on Economic Development.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 81 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 81 be taken up for consideration at this time:

C.S.S.B. 81, Relating to contributions to and benefits provided by certain statewide retirement systems.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Harris of Dallas in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 81 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
March 3, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 33, Recognizing March 9, 1993, as Marshall Day.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(President in Chair)

SENATE BILL 231 ON SECOND READING

Senator Sims moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 231 be taken up for consideration at this time:

S.B. 231, Relating to the inactive status of the Southern Rolling Plains Cotton Producers Board.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 231 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 231 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 238 ON SECOND READING

Senator Carriker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 238 be taken up for consideration at this time:

S.B. 238, Relating to the priority of claims on liquidation of a state or private bank or on a purchase of assets and assumption of liabilities of a state bank.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 238 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 238** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 11.11 SUSPENDED (Posting Rule)

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might consider tomorrow the reappointment of the Reverend Harvey Clemons, Jr., to be a Member of the Texas Department of Housing and Community Affairs Board.

MEMORIAL RESOLUTION

S.C.R. 39 - By Sims: In memory of J. T. King of Lometa.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:31 a.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 3, 1993

FINANCE — **C.S.S.B. 239**, **C.S.S.B. 6**, **C.S.S.B. 367**

STATE AFFAIRS — **S.B. 347** (Amended), **S.B. 135**, **C.S.S.B. 73**

INTERGOVERNMENTAL RELATIONS — **S.B. 501**, **S.B. 21** (Amended), **S.B. 240**

SENT TO GOVERNOR (March 3, 1993)

S.B. 30

S.B. 88

S.B. 221

S.C.R. 30